

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL RAPAPORT and MICHAEL :
DAVID PRODUCTIONS, INC., :
: Plaintiffs, Case No. 1:18-CV-08783
: -against- :
: BARSTOOL SPORTS, INC., ADAM SMITH, :
: KEVIN CLANCY, ERIC NATHAN and :
: DAVID PORTNOY, :
: NOTICE OF PLAINTIFFS' MOTION :
: FOR SUMMARY JUDGMENT OR, IN :
: THE ALTERNATIVE, SUMMARY :
: ADJUDICATION
: Defendants.
: :
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BARSTOOL SPORTS, INC., :
: Counterclaimant, :
: -against- :
MICHAEL RAPAPORT and MICHAEL :
DAVID PRODUCTIONS, INC., :
: Cross-Defendants.
: :
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**NOTICE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, SUMMARY ADJUDICATION**

PLEASE TAKE NOTICE that, upon the accompanying: (1) Statement of Material Facts pursuant to Local Civil Rule 56.1; (2) Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment, including all exhibits appended thereto; (3) the Declaration of Richard S. Busch; (4) the Declaration of Jacob Vega; (5) the Declaration of Jordan Winter; (6) the Declaration of Michael Rapaport; (7) the Declaration of Sidney P. Blum; (8) the Declaration of Eric Rose; (9) the Declaration of Daniel Durbin; (10) the Declaration of Rena Unger; and upon all pleadings and

proceedings heretofore had herein, Plaintiffs Michael Rapaport and Michael David Productions, Inc (“Plaintiffs”) respectfully move this Court for an Order granting Plaintiffs’ summary judgment or, in the alternative, summary adjudication and such other and further relief as requested and as the Court deems just and proper in the above-captioned case, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court’s Order Amending the Four-Part Briefing Schedule (Dkt. No. 98), Defendants shall file their Opposition to Plaintiffs’ Rule 56 Motion by April 7, 2020, and Plaintiffs shall file their Reply to Defendants’ Opposition to Rule 56 Motion by May 8, 2020.

DATED: March 6, 2020

KING & BALLOW

By: /s/ Richard S. Busch
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